



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 26 2015

Dana Alan Ferguson
115 S. Brown Avenue
Negaunee, MI 49866

RE: MUR 6806

Dear Mr. Ferguson:

On April 16, 2014, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 15, 2015, based upon the information contained in the complaint, and information provided by you, the Commission found no reason to believe that you violated 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a). Accordingly, the Commission closed its file in this matter on October 15, 2015.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,
Daniel A. Petalas
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over a horizontal line.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Dana Ferguson

MUR 6806

I. INTRODUCTION

This matter was generated by a Complaint filed by Casey Adams alleging violations of the Federal Election Campaign act of 1971, as amended (the "Act") by Dana Ferguson ("Ferguson" or "Respondent"). After reviewing the record, the Commission found no reason to believe that the Respondent violated the Act or underlying Commission regulations.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that Ferguson filed a Statement of Candidacy with the Federal Election Commission on March 3, 2014. *See* Compl. at 1; *see also* FEC Form 2, attached. The Complaint asserts that as of April 10, 2014, Ferguson had not filed a Statement of Organization, or FEC Form 1, for the "Ferguson for Congress Election Campaign" or any campaign committee.¹ *Id.* For this failure, the Complaint seeks an enforcement action and administrative fine.

In his Response, Ferguson states that he started his campaign "with virtually no money" and that his research led him to believe that he was under no obligation to file a Statement of Organization until he had spent or collected \$5,000 in campaign contributions. Resp. at 1. He explains that he collected no money while campaigning and was not planning to collect any money until he had obtained the required number of signatures to be placed on the ballot. *Id.*

¹ The Complaint does not cite to any specific regulation, but filing a FEC Statement of Organization (Form 1) within 10 days of becoming a candidate is required under 11 C.F.R. § 102.1(a).

1 Furthermore, he states that since he did not reach the required number of signatures and did not
2 collect any money, he was not required to file a Statement of Organization (FEC Form 1). *Id.*

3 **B. Legal Analysis**

4 Under the Act and Commission Regulations, an individual who becomes a candidate
5 must file a Statement of Candidacy, or FEC Form 2, designating his or her principal campaign
6 committee within 15 days after becoming a candidate. 52 U.S.C. § 30102(e)(1); 11 C.F.R.
7 § 101.1(a). An individual becomes a candidate for federal office when he or she receives
8 contributions or makes expenditures in excess of \$5,000. 52 U.S.C. § 30101(2); 11 C.F.R.
9 § 100.3. The Commission also requires that the candidate's principal committee file a Statement
10 of Organization, or FEC Form 1, within 10 days after designation as a candidate. 52 U.S.C.
11 § 30103(a); 11 C.F.R. § 102.1(a).

12 Here, the Complaint relies exclusively on the filing of the candidate's FEC Form 2 as a
13 basis for concluding that Ferguson was required to file a FEC Form 1. However, the Complaint
14 does not allege, nor is there any indication or facts to suggest, that Ferguson received
15 contributions or made expenditures exceeding \$5,000. Thus, there is insufficient information
16 contained in the record to conclude that Ferguson became a "candidate" under the Act or
17 Commission regulations and, therefore, was required to file a Statement of Organization (FEC
18 Form 1). Accordingly, the Commission found no reason to believe that Dana Ferguson² violated
19 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a).

² There was no "Ferguson for Congress Election Campaign" committee registered with the Commission and, therefore, the Commission has not made any findings as to its disposition in this matter.